

REED SMITH LLP
Andrew B. Messite
James N. Faller
599 Lexington Avenue, 22nd FL
New York, New York 10022
Tel: (212) 521-5400
Fax: (212) 521-5450
Email: james.faller@reedsmith.com

Attorneys for Secured Creditor and Adversary Proceeding defendant Wells Fargo Bank, N.A. ("Wells Fargo"), as Servicing Agent for U.S. Bank National Association, as Trustee for Banc of America Funding Corporation Mortgage Pass-Through Certificates, Series 2006-F ("U.S. Bank" and, collectively with Wells Fargo, the "Bank"), incorrectly sued herein as "US Bank, NA," "Wells Fargo Bank, NA," "Wells Fargo Home Mortgage", and "Banc of America Funding Corporation," and additionally named defendants Reed Smith LLP, Natsayi Mawere, and Jennifer L. Achilles and individually named defendants Kelly Duncan, Stephanie Terese Tautge, Daniel V. Edward, Charice Lenise Gladden, and Jeremiah Herberg (collectively, the "Bank Defendants")

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

In re:

MICHAEL KRICHEVSKY,

Debtor

Case No. 1-19-43516-ESS

Chapter 11

**NOTICE OF SECURED CREDITOR'S AND BANK DEFENDANTS' MOTION FOR
PROTECTIVE ORDER AND FILING INJUNCTION ORDER AGAINST DEBTOR AND
ADVERSARY PROCEEDING PLAINTIFF**

PLEASE TAKE NOTICE that, upon the annexed Memorandum of Law (the "Brief"), and upon the papers and proceedings herein, Secured Creditor and Adversary Proceeding defendant Wells Fargo Bank, N.A. ("Wells Fargo"), as Servicing Agent for U.S. Bank National Association, as Trustee for Banc of America Funding Corporation Mortgage Pass-Through

Certificates, Series 2006-F (“U.S. Bank” and, collectively with Wells Fargo, the “Bank”), incorrectly sued herein as “US Bank, NA,” “Wells Fargo Bank, NA,” “Wells Fargo Home Mortgage”, and “Banc of America Funding Corporation,”, and additionally named Adversary Proceeding defendants Reed Smith LLP, Natsayi Mawere, and Jennifer L. Achilles, and individually named defendants Kelly Duncan, Stephanie Terese Tautge, Daniel V. Edward, Charice Lenise Gladden, and Jeremiah Herberg (collectively, the “Bank Defendants”), by and through their undersigned attorneys, Reed Smith LLP, will move before the Honorable Elizabeth S. Stong, United States Bankruptcy Court Judge, at the United States Bankruptcy Court for the Eastern District of New York, 271-C Cadman Plaza East, Brooklyn, NY 11201-1800, Court Room 3585, on **October 27, 2021 at 11:00 a.m. (Eastern Time)**, or as soon thereafter as counsel may be heard, for:

- (i) A Protective Order pursuant to Fed. R. Bank. Proc. 26(c), barring Krichevsky from pursuing methods of disclosure and investigation pursuant to Fed. R. Bank. Proc. 2004 and 7026-7037 against the Bank Defendants, because Krichevsky indisputably seeks to abuse discovery procedures as a means to harass and unduly burden the Bank Defendants with demands concerning the validity of the Bank’s Amended Proof of Claim and standing to bring the pending state court foreclosure action; and
- (ii) A Filing Injunction Order barring further filings by Krichevsky objecting to the Bank’s Amended Proof of Claim, asserting new claims or sanctions against the Bank Defendants, or seeking to compel disclosure from the Bank Defendants, without this Court’s prior approval; and

(iii) Granting any other and further relief that may be appropriate under the circumstances.

For the reasons set forth in the Brief, Defendants respectfully request that the Court enter an order granting the Motion and providing such additional relief as the Court deems just and appropriate.

PURSUANT TO LOCAL BANKRUPTCY RULE 9006-1(a), ANY ANSWERING PAPERS ARE TO BE SERVED SO AS TO BE RECEIVED BY THE UNDERSIGNED COUNSEL NO LATER THAN SEVEN (7) DAYS PRIOR TO THE HEARING DATE.

Dated: New York, New York
August 23, 2021

Respectfully submitted,

REED SMITH LLP

By: /s/ James N. Faller

James N. Faller

Andrew B. Messite

599 Lexington Avenue

New York, New York 10022

Tel: (212) 521-5400

Fax: (212) 521-5450

Email: james.faller@reedsmith.com

Attorneys for the Bank Defendants

TO:

Michael Krichevsky
4221 Atlantic Ave
Brooklyn, NY 11224
tokrichevsky1@yahoo.com
Debtor and Plaintiff Pro Se